

) BEFORE THE STATE ETHICS COMMISSION

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on June 30, 2011. On July 20, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Frank D. Wideman, with one violation of Section 8-13-1308(B) and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on November 16, 2011 were Commission Members Priscilla L. Tanner, George Carlton Manley, and E. Kay Biermann Brohl, Hearing Chair. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Frank D. Wideman, a candidate for Greenwood County Sheriff, in an election on November 4, 2008, on or about April 10, 2009, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

STATEMENT OF FACTS

1. The Respondent, Frank D. Wideman, was a candidate for Greenwood County Sheriff in a November 4, 2008 election and he was required to continue to file quarterly campaign disclosure forms (CD) until final disposition.

2. Commission Investigator Dan Choate testified that by letters dated March 14, 2011, April 14, 2011 and May 5, 2011, Respondent was appropriately advised that he was required to file quarterly CDs. Investigator Choate testified that on July 7, 2011 he had a telephone conversation with Respondent regarding the late reports and penalties accrued. On July 11, 2011 Respondent filed a final CD.

3. Respondent did not dispute Investigator Choate's testimony. Respondent testified that the campaign account was closed on February 9, 2009. An error had been made with an in-kind contribution, which had thrown off the balance, since Respondent knew that no money remained in the account.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Frank D. Wideman, was a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction

3. Section 8-13-1308(B) provides:

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

DECISION

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NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Frank D. Wideman is in violation of Section 8-13-1308(B); and therefore, Respondent Frank D. Wideman is hereby assessed a reduced late-filing penalty of \$500.00. The reduced late filing penalty of \$500.00 must be paid within 30 days of receipt of the signed order or it will revert to the original \$5,000.00.

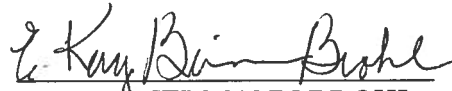
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,000.00 is, and shall be entered against Respondent, if he fails to pay the reduced late filing penalty.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$5,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Frank D. Wideman has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 23rd DAY OF December, 2011.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL

Hearing Chairman

Columbia, South Carolina